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EXAMINER

FIELDS, BENJAMIN S

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,968	Applicant(s) COLMAN ET AL.	
	Examiner BENJAMIN S. FIELDS	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88 and 93-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88 and 93-97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3 October 2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The following is a **NON-FINAL** Office Action in response to the communication received on 15 December 2008. Claims 1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88, and 93-97 are now pending in this application.

Response to Amendments

2. Applicants Amendments to Claims 1-97 has been acknowledged in that: **Claims 1, 38, 43, 45, 67, 82, and 93-96 have been newly amended; Claims 19, 63, and 85 have been newly canceled; NO Claims have been newly added;** hence, as such, **Claims 1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88, and 93-97 are pending in this application.**

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims **1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88, and 93-97** are rejected under 35 U.S.C. 101 because the claimed invention is not directed to a secondary statutory subject matter/class.

Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different

state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps fail the first prong of the new Federal Circuit decision since they are not tied to a machine and can be performed without the use of a particular machine. In this particular case, Claims **1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88, and 93-97** are not tied to another statutory class, such as any hardware. Thus, it is unclear as to whether or not the claims are mere processes that involve purely human labor.

Furthermore, there is no machine or transformation in the method claims. In particular, the system claims only comprise various modules, which the Examiner interprets to be just software; therefore, these system claims are software per se (non-statutory under 101). Regarding the article of manufacture claims, Applicants state: "the computer-usable and writeable medium may be comprised of a CD ROM, a floppy disk, a hard disk, or any other computer-usable medium" (See Page 37 of Specification). Such "any other computer-usable medium" per the Examiner is taken/could be taken to

represent a signal or any other intangible medium, thereby rendering the claims non-statutory since they lack the tangible medium. Claims 93-96 have problems with the recited medium/media; however, claims 95 and 96 also have the problem that their code is not clearly machine-executable.

The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al.: http://iplaw.bna.com/iplw/5000/split_display.adp?fedfid=10988734&vname=ippqcases2&wsn=500826000&searchid=6198805&doctypeid=1&type=court&mode=doc&split=0&scm=5000&pg=0.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim **94** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to Claim 94: The Examiner notes the Applicants usage of the word “enabling” within the claims. The term “Enabling” is an abstract concept; it can simply mean to grant permission to or it can be a psychological support/reinforcement.

Appropriate correction is required.

Drawings

7. The drawings submitted 25 February 2004 are objected to because they are informal and slightly illegible.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88, and 93-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney et al. (US Pat. No. 7,287,008), [hereinafter Mahoney] in view of Official Notice.

Referring to Claim 1: Mahoney discloses a method for real estate loan administration comprising the steps of: registering with a system for real estate loan administration wherein at least one loan is identified (Mahoney: Figures 1-2; Column 2, Lines 15-65); identifying one or more participants associated with the at least one loan to join the system for real estate loan administration (Mahoney: Abstract; Figure 12; Column 1, Line 63-Column 3 Line 15); assigning one or more of privileges and roles to each of the one or more participants (Mahoney: Figures 11-12); managing the at least one loan via the system through an online interface wherein data associated with the at least one loan may be accessed and viewed according to user input (Mahoney: Figures 1-2; Column 2, Lines 25-58; Column 3, Lines 5-15; Column 5, Line 13-Column 6, Line 21); performing one or more actions concerning the at least one loan wherein the one or more actions submitting information to a receiving entity (Mahoney: Column 5, Line 53-Column 6, Line 21; Column 11, Line 35-Column 12, Line 18); specifying one or more [triggering] events associated with the at least one loan (Mahoney: Column 1, Line 67-

Column 2, Line 67); specifying one or more contacts to be notified at an occurrence of the one or more [triggering] events (Mahoney: Column 1, Line 67-Column 2, Line 67); and specifying one or more preferred modes of notification for the one or more contacts at the occurrence of the one or more [triggering] events (Mahoney: Figures 9, 11-12; Column 1, Line 67-Column 2, Line 67).

Mahoney, however, does not expressly discuss a method wherein the one or more actions comprise at least submitting one or more draw requests or specifically utilize the term “trigger”.

The Examiner takes Official Notice that it is a notoriously old and well known fact that within a method and system as taught by Mahoney for loan organization and underwriting, that it would be obvious to include or interchangeably use the terms “draw”, “requests”, “draw requests”, and “trigger”.

At the time of invention it would have been obvious to one of ordinary skill in the art to modify the system and method of Mahoney for loan organization and underwriting to allow the one or more actions to comprise at least submitting one or more draw requests for the purposes of providing users varied methods of choices and financial models (Mahoney: Column 1, Line 63-Column 2, Line 11).

Referring to Claim 2: Mahoney teaches a method wherein the step of managing further comprises the step of: accessing loan data specific for the at least one loan wherein loan data comprises one or more of insurance data, interest data and budget summary data (Mahoney: Column 2, Line 59-Column 3, Line 4; Column 8, Lines 55-64).

Referring to Claim 3: Mahoney discusses a method wherein the step of managing further comprises the step of: accessing collateral data associated with the at least one loan (Mahoney: Column 4, Line 65-Column 5, Line 12).

Referring to Claim 5: Mahoney discusses the limitations of Claim 1.

Mahoney, however, does not expressly teach a method wherein the one or more draw requests comprises line item draw requests.

The Examiner takes Official Notice that it is a notoriously old and well known fact that within a method and system as taught by Mahoney for loan organization and underwriting, that it would be obvious to include an option to facilitate draw requests by line item.

Referring to Claim 6: Mahoney shows the limitations of Claim 1.

Mahoney, however, does not expressly disclose a method wherein the one or more draw requests comprises unit draw requests for one or more of new starts and existing units.

The Examiner takes Official Notice to the fact that within a method and system as taught by Mahoney for loan organization and underwriting, it would be obvious to include an option to facilitate unit draw requests.

Referring to Claim 7: Claim 7 parallels the limitations of Claim 2. As such, Claim 7 is rejected under the same basis as is Claim 2 as mentioned supra.

Referring to Claim 8: Mahoney discusses a method further comprising the step of: requesting one or more reports to be generated for the at least one loan based on

one or more user defined specifics (Mahoney: Column 5, Lines 13-47; Column 12, Line 58-Column 13, Line 8).

Referring to Claim 9: Mahoney shows a method wherein the step of performing one or more actions comprises the step of: adding collateral data for at least one new collateral associated with the loan (Mahoney: Column 8, Lines 55-64).

Referring to Claims 10-13: Claims 10-13 reflect the limitations of Claim 3. As such, Claims 10-13 are rejected under the same basis as is Claim 3 as mentioned supra.

Referring to Claim 14: Mahoney discusses a method further comprising the step of: updating data associated with the at least one loan; and importing the updated data to a receiving entity (Mahoney: Column 5, Line 53-Column 6, Line 21; Column 11, Line 35-Column 12, Line 18).

Referring to Claim 15: Claim 15 parallels the limitations of Claims 3 and 11. As such, Claim 15 is rejected under the same basis as are Claims 3 and 11 as mentioned supra.

Referring to Claim 16: Mahoney shows a method further comprising the step of: updating data associated with the at least one loan; specifying one or more filters to be applied to the updated data; and exporting the filtered updated data from the system for real estate loan administration to a remote device (Mahoney: Figure 1; Column 5, Lines 13-65; Claims 1, 18).

Referring to Claim 17: Claim 17 reflects the limitations of Claim 11. As such, Claim 17 is rejected under the same basis as is Claim 11 as mentioned supra.

Referring to Claim 18: Mahoney teaches a method wherein the remote device comprises one or more of personal computer, personal digital assistant and wireless device (Mahoney: Figure 1; Column 5, Lines 13-66; Claims 1, 18).

Referring to Claim 20: Claim 20 parallels the limitations of Claims 3 and 11. As such, Claim 20 is rejected under the same basis as are Claims 3 and 11 as mentioned supra.

Referring to Claim 21: Mahoney discusses a method wherein one or more documents may be shared simultaneously with the authorized one or more participants via a common online interface (Mahoney: Figures 1-2; Column 3, Lines 5-15).

Referring to Claim 22: Mahoney discloses a method wherein the receiving entity is a lender entity (Mahoney: Column 10, Lines 44-60).

Referring to Claims 23-25, 27-35, 37-39, and 41-44: Claims 23-25, 27-35, 37-39, and 41-44 are the system for the method of Claims 1-3, 7-13, 15-17, and 20-22. As such, Claims 23-25, 27-35, 37-39, and 41-44 are rejected under the same basis as are Claims 1-3, 7-13, 15-17, and 20-22 as mentioned supra.

Referring to Claims 36, 58, and 60: Claims 36, 58, and 60 reflect the limitations of Claim 14. Hence, Claims 36, 58, and 60 are rejected under the same basis as is Claim 14 as mentioned supra.

Referring to Claims 40, 62, and 84: Claims 40, 62, and 84 parallel the limitations of Claim 18. Hence, Claims 40, 62, and 84 are rejected under the same basis as is Claim 18 as mentioned supra.

Referring to Claims 45-47, 49-57, 59-61, and 64-66: Claims 45-47, 49-57, 59-61, and 64-66 teach methods which parallel the limitations of Claims 1-3, 7-13, 15-17, 20-25, 29-35, 37-39, and 41-44. As such, Claims 45-47, 49-57, 59-61, and 64-66 are rejected under the same basis as are Claims 1-3, 7-13, 15-17, 20-25, 29-35, 37-39, and 41-44 as mentioned supra.

Referring to Claims 67-69, 71-79, 81-83, and 86-88: Claims 67-69, 71-79, 81-83, and 86-88 are the system for the method of Claims 45-47, 51-57, 59-61, and 64-66. As such, Claims 67-69, 71-79, 81-83, and 86-88 are rejected under the same basis as are Claims 45-47, 51-57, 59-61, and 64-66 as mentioned supra.

Referring to Claims 93-97: Claims 93-97 are directed towards an article of manufacture, a computer readable medium, and a computer implemented system for the execution of the method of Claim 1. As such, Claims 93-97 are rejected under the same basis as is Claim 1 as mentioned supra.

Response to Arguments

10. Applicants arguments filed 15 December 2008 have been fully considered but have been found to be **moot** and **non-persuasive**. Applicants argue:

Argument A

Response to Examiner's Remarks on Previous Arguments

On page 9, the Examiner provides remarks on Applicant's arguments ("argument A") responding to the § 102(e) rejections in the previous Office Action. The Examiner states

"[i]t is obvious for the assignment of privileges and roles to each of the participants involved," and "while the express term 'privilege' and/or 'role' may not be found on those Figures, the drawings show, to one of ordinary skill in the art that the parties involved share some assignment of privileges and roles." (emphasis omitted). The Examiner's arguments are based on obviousness principles, whereas the rejections were based on anticipation. Therefore, the Examiner's use of terms such as obvious and one of ordinary skill in the art is improper. To anticipate a claimed invention, the reference must show not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim. (Fed. Cir. 2008). The Examiner has failed to rebut the Applicants' previous arguments. On page 11 of the Office Action, the Examiner alleges that the Applicant's attempt at traversing Official Notice in the previous Office Action was inadequate. Applicant respectfully disagrees. First, in accordance with the MPEP Applicant stated the traversal on record ("Applicant respectfully traverses the reliance on Official Notice. Applicant asserts that the Examiner's reliance on Official Notice is not common knowledge or well known in the art."). Second, Applicant specifically pointed out the supposed errors, with specific examples, as are in the record. The Office Action states "[i]f the traverse was inadequate, the examiner should include an explanation as to why it was inadequate." The Examiner has failed to provide any explanation as to why the traverse was inadequate. The only remotely connected explanation is at the top of page 11 - prior to the remarks concerning the status of the traverse of Official Notice. The Examiner, at the top of page 11, admits that Mahoney is related generally to loan origination. The Examiner alleges that "[w]hile draw requests may not be a typical part of the origination and underwriting process, they would be obvious to include for various intended uses or purposes." This a vague assertion with no substantiation in the art. The Examiner's own admission that draw requests may not be a typical part of the origination and underwriting process conflicts with asserting that the inclusion of draw requests would be well known or be common knowledge in the art "capable of instant and unquestionable demonstration as being well known." See MPEP §2144.03(A).

Applicant Traverses the Reliance on Official Notice Concerning Draw Requests

Applicant respectfully traverses the use of Official Notice, specifically the Official Notice that it would have been obvious to include an option in Mahoney to facilitate draw requests. Applicant respectfully submits that such an option would not have been obvious as discussed above. There is no motivation or suggestion to include such an option in Mahoney. Mahoney fails to provide any mention of draw requests nor would it have been obvious to include draw requests in Mahoney. Including such requests would alter the basic principle of operation of Mahoney and would involve substantial changes to implement such a feature. Further, draw requests are not part of the loan origination and underwriting process, an assertion admitted by the Examiner. Therefore, to include draw requests in Mahoney would not be well known or recognizable to one skilled in the art. Draw requests are used in the administration of the loan, following the approval and underwriting process, to distribute funds to parties involved in the loan, such as vendors associated with a construction project. Applicant requests that the Examiner provide documentary evidence supporting the Official Notice as alleged in the Office Action. Applicants' traversal of the Official Notice extends to the variations of the Official Notice concerning draw requests alleged by the Examiner throughout the Office Action, specifically draw requests by line item (p. 4) and unit draw requests (p. 5). If draw requests are not obvious, then using specific variants of draw requests to render the claims unpatentable is therefore not obvious. The Examiner's allegations are based upon improper hindsight of combining the elements of the claimed invention into Mahoney. The Examiner has failed to "set forth explicitly" the basis of reasoning the Official Notice and has not provided "specific factual findings predicated on sound technical and scientific reasoning to support" his conclusion. MPEP §2144.03B. In the Examiner's own words "[w]hile draw requests may not be a typical part of the origination and underwriting process." This statement in the Office Action confirms the Applicant's position. If draw requests are not a part of the origination and underwriting process, how can the use of draw requests be capable of instant and unquestionable demonstration? Applicant requests the Examiner retract the

alleged admission of Official Notice as admitted prior art on the record. Applicants have not and are not admitting to the Examiner's assertion of Official Notice.

Regarding Argument A

The Examiner respectfully disagrees. As per Applicants, "Draw requests are used in the administration of the loan, following the approval and underwriting process, to distribute funds to parties involved in the loan, such as vendors associated with a construction project."

Thus, while Mahoney does not expressly discuss or utilize the term "draw request", the Examiner takes Official Notice that it is a notoriously old and well known fact that within a method and system as taught by Mahoney for loan organization and underwriting, that it would be obvious to include or interchangeably use the term "draw request". The disclosure of Mahoney encompasses a data acquisition computer program required for compiling loan origination information including financial and physical information relating to a specific property and multimedia real estate market information associated with the property, **together with a credit request and loan application**. The application requires a one-time entry of data in a sequence of data input screens, which then auto-populates documents with input data and generated values wherever appropriate (See at least Mahoney: Column 1, Line 63-Column 2, Line 67). A user would then apply for a loan and at some point provide a draw request (amount) in order to have funds distributed to parties involved within the loan.

Argument B

Rejections of Claims 1-3, 5-25, 27-47, 49-69, 71-88, and 93-97 Under 35 U.S.C. § 103(a)

On pages 3-8 of the Office Action, claims 1-3, 5-25, 27-47, 49-69, 71-88, and 93-97 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 7,287,008 ("Mahoney"). This rejection is respectfully traversed.

Mahoney Fails to Render Independent Claim 1 Obvious

Regarding independent claim 1, Mahoney does not disclose "assigning one or more of privileges and roles to each of the one or more participants." Applicant maintains the position (from the previous Office Action) that Mahoney fails to disclose this element or render this element obvious. Figure 11 depicts "an example of a deal analysis screen." Col. 11, line 16. Figure 12 depicts "an example suite of loan application screens." Col. 11, lines 36-37. Neither Figure depicts *assigning privileges and roles* to each of the participants. These Figures merely disclose information screens regarding the deal and loan. The terms *privileges and roles* are not found on these Figures, nor in the text of Mahoney. The only *participant* shown is in Figure 12 ("Borrower"). No other participants are depicted. There is no suggestion or motivation to add such an element to Mahoney. Doing so would require substantial modifications and changes to Mahoney's disclosure. Further, the Examiner fails to provide any indication of how Mahoney discloses the elements of *assigning* and the *one or more privileges or roles*. Therefore, Mahoney fails to disclose or render obvious this element of the claimed invention. Despite Applicant disagreeing with rejection of independent claim 1, Applicant has amended independent claim 1 to further clarify the claimed invention. Support for the amendments are found at least on page 33, line 16 through page 34, line 12 of the present application. Further, the amended elements were found in claim 19, an original claim. Applicant respectfully submits that independent claim 1 as amended is patentable over Mahoney. The Examiner failed to provide a substantive basis for rejection of claim 19 in the Office Action. On page 6, the Office Action alleges that "Claims 19 and 20 parallel the limitations of claims 3 and 11. As such Claims 19 and 20 are rejected under the same basis as are Claims 3 and 11 as mentioned supra." Applicant notes that claims 3 and 11

recite "accessing collateral data associated with the at least one loan" and "wherein collateral data comprises one or more of plan type, status, sales price, amount complete and remote cost data," respectively. Claim 19 recites specifying one or more triggering events associated with the at least one loan; specifying one or more contacts to be notified at an occurrence of the one or more triggering events; and specifying one or more preferred modes of notification for the one or more contacts at the occurrence of the one or more triggering events. Claim 20 recites "authorizing one or more participants for collaboration; and assigning one or more of roles and privileges for collaboration to each participant." The elements of claims 3 and 11 differs from claims 19 and 20 and, therefore claims 3 and 11 are unrelated to claims 19 and 20. The Examiner has failed to allege how Mahoney discloses the elements of these claims. As noted above, claim 19 has been cancelled and the subject matter amended to independent claim 1. Applicant submits that Mahoney fails to render the subject matter of former claim 19 (now incorporated into claim 1) unpatentable. Specifically, Mahoney, fails to disclose "one or more triggering event associated with the at least one loan." Indeed, Mahoney fails to provide any disclosure of triggering events *associated* with the at least one loan.

Mahoney Fails to Render Independent Claims 23, 45, 67, and 93-96 Obvious
Independent claims 23, 45, 67, and 93-96 recite similar elements to independent claim 1, therefore the arguments above apply to claims 23, 45, 67, and 93-96 also. Therefore, claims 23, 45, 67, and 93-96 are allowable at least for the reasons given for independent claim 1. Further, Applicant has amended claims 23, 45, 67, and 93-96 in a similar manner to independent claim 1. Applicant submits that claims 23, 45, 67, and 93-96 are allowable over the cited art, alone or in combination. Applicant respectfully requests the withdrawal of the rejections thereof.

No Basis of Rejection is Provided For Independent Claim 97

As noted in the Office Action, Mahoney fails to recite draw requests. The Examiner alleges that Official Notice renders draw requests as an obvious modification to

Mahoney. The Examiner cannot rely on Official Notice as discussed above, because the Examiner has not followed the rules in using Official Notice and the subject matter asserted through Official Notice is not capable of instant and unquestionable demonstration as being well known as required by MPEP §2144.03. Further, claim 97 recites elements distinct from claim 1. For example, claim 97 recites: a draw module for: (a) submitting one or more draw requests against the at least one loan, wherein the draw requests comprise one or more of a line item draw, an existing residential draw, or a new unit start draw; (b) processing the draw request; and (c) sending a draw package request, wherein the draw package request comprises one or more of a request for invoices and lien waivers. On page 8, the Office Action rejects claim 97 under the same basis as claim 1. However, as can be seen by the above recitation from claim 97, independent claim 97 is distinguishable from independent claim 1. The Office Action has failed to provide a specific rejection basis for independent claim 97, forcing the Applicant to speculate on the basis for rejection. Applicant submits that claim 97 is patentable over the cited art and requests the withdrawal of the rejection thereof.

The Dependent Claims are Allowable at Least by Virtue of their Dependency on the Independent Claims

Claims 2, 3, 5-22, 23-25, 27-44, 46, 47, 49-68, 69, and 71-88 are dependent upon one of independent claims 1, 23, 45, and 67. Therefore, since claims 1, 23, 45, and 67 are allowable over Mahoney as discussed above, claims 2, 3, 7-17, 19-22, 24-25, 29-35, 37-39, 41-44, 51-57, 59-61, 63-66, 69, 73-79, 81-83, 85-88 are allowable at least by virtue of their dependency upon one of independent claims 1, 23, 45, and 67. Therefore, based on the above arguments, Applicant respectfully submits that all claims are in condition for allowance and indication thereof is respectfully requested.

Regarding Argument B

The Examiner respectfully disagrees. While Mahoney does not expressly utilize the terms “assigning one or more of privileges and roles to each of the one or more participants”, and “trigger” as recited by the claimed invention, such disclosure is taught at least at Mahoney: Figures 11, 12; where Figure 11 depicts “a deal analysis screen” and Figure 12 depicts “a suite of loan application screens”. It is obvious for the *assignment of privileges and roles* to each of the participants involved in a transaction taught, let alone that within the disclosure of Mahoney. Indeed, these Figures disclose information screens regarding the deal and loan, and, while the express term “*privilege*” and/or “*role*” may not be found on these Figures, the drawings show, to one of ordinary skill in the art that the parties involved share an *assignment of privileges and roles*.

Furthermore, specifically regarding Mahoney failing to disclose “one or more triggering events associated with the at least one loan”, per Applicants specification found at least on page 33, line 16 through page 34, line 12, a trigger event is shown to be any of a draw request, draw approval, LIBOR, interest rate increase/decrease, and other actions or occurrences associated with real estate loan administration. Indeed, Mahoney shows an application of trigger events *associated* with at least one loan within its disclosure. The disclosure of Mahoney encompasses a data acquisition computer program required for compiling loan origination information including financial and physical information relating to a specific property and multimedia real estate market information associated with the property, **together with a credit request and loan application**. The application requires a one-time entry of data in a sequence of data input screens, which then auto-populates documents with input data and generated

values wherever appropriate (See at least Mahoney: Column 1, Line 63-Column 2, Line 67). A user would then apply for a loan and at some point provide a draw request (amount) in order to have funds distributed to parties involved within the loan.

11. Thus, any additional arguments filed 15 December 2008 have been fully considered but have been found to be **moot** and **non-persuasive**. Additionally, as the remaining claims depend directly or indirectly from the independent claims mentioned/discusses above, the Examiner maintains all previously asserted rejections.

Examiner Note

12. **The Examiner has pointed out particular reference(s) contained in the prior art of** record within the body of this action for convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. **Applicant**, in preparing the response, should **fully consider the entire reference** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

13. Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached

MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields
23 February 2009

/Harish T Dass/
Primary Examiner, Art Unit 3692